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12/19/03

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**FACSIMILE TRANSMITTAL COVER SHEET**  
**FOR**  
**RESPONSE AFTER FINAL**  
**(Expedited Procedure)**

In re application of: Davis

Application No.: 09/697,009

Filed: October 25, 2000

For: **DIGITALLY MARKED OBJECTS AND  
PROMOTIONAL METHODS**

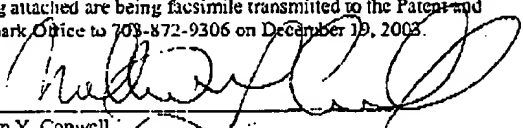
Examiner: J. Janvier

Date: December 19, 2003

Art Unit: 3622

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence and any documents referred to as being attached are being facsimile transmitted to the Patent and Trademark Office to 703-872-9306 on December 19, 2003.

  
William Y. Conwell  
Attorney for Applicant

Assistant Commissioner for Patents  
Washington, D.C. 20231

Transmitted herewith for filing in the above-identified application is a Response (2 pages exclusive of this cover sheet).

Please charge any fees that may be required in connection with filing of this amendment to Deposit Account 50-1071.

Date: December 19, 2003

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Respectfully submitted,

DIGIMARC CORPORATION

By

  
William Y. Conwell  
Registration No. 31,943

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Davis et al.

Application No.: 09/697,009

Filed: October 25, 2000

For: DIGITALLY MARKED OBJECTS AND  
PROMOTIONAL METHODS

Examiner: J. Janvier

Date: December 19, 2003

Art Unit 3622

Confirmation No. 4530

CERTIFICATE OF FAXING

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December 19, 2003

William Y. Conwell  
Attorney for Applicant

**OFFICIAL**RESPONSE AFTER FINAL

ASSISTANT COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir,

Responsive to the Final Action mailed October 21, 2003, applicants respond as follows:

REMARKS

Claim 2 is pending in the application.

Prior Art Rejection

Applicants renew their request for information particularly supporting the  
assertions that the Examiner makes concerning prior art under "Official Notice."

The Examiner's refusal to provide such information -- on the grounds that same is  
a "general request" or a "casual request" is not understood. No basis for refusal is found  
in the statute or the regulations. Indeed, MPEP §2144.03 notes, "*If the applicant  
traverses such an assertion the examiner should cite a reference in support of his or her  
position.*"

Moreover, the Examiner notes two deficiencies in Barnett's teachings:

- Barnett does not explicitly disclose digitally watermarking an object  
(coupon); and